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OFFICE OF INSPECTOR GENERAL

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Political activity

It is an election year and many individuals are considering which candidates to support or possibly running for public office themselves. Below are a few important points to keep in mind when considering political activity issues.

Political activity rule (42 IAC 1-5-4) - The political activity rule prohibits state employees and special state appointees from engaging in political activity, including the solicitation of political contributions from anyone, when on duty or while acting in an official capacity for the State. This rule also prohibits state employees and special state appointees from soliciting political contributions at any time, whether on duty or not, from persons with whom their agency has a business relationship or from state employees or special state appointees they directly supervise. If a state employee or special state appointee has purchasing or procurement authority on behalf of the State, he or she would be restricted from soliciting political contributions on behalf of any candidate for public office unless the employee or special state appointee is a candidate for public office himself or herself.

Other rules in the Code of Ethics are often implicated by political activity questions - Questions on acceptable political activity also often implicate Outside Employment (42 IAC 1-5-5), Use of State Property (42 IAC 1-5-12) and Ghost Employment (42 IAC 1-5-13) considerations as well.

Common questions you may receive related to political activity:

Can I run for office? There is no ethics rule that prohibits a state employee or special state appointee from seeking or holding public office while employed by the State. Some state workers, however, are also subject to the jurisdiction of the Federal [Hatch Act](#) which places various restrictions on political activity. In addition, potential candidates should also be advised to consult the Office of the Indiana Attorney General's [Dual Office Holding Guide](#) to ensure they would not violate the law against dual office holding.

Can I vote? Yes.

Political activity (continued)

Can I work the polls on Election Day? Yes, because it is a state holiday, working the polls would not be done on state time or using state materials.

Can I attend a political rally in support of a candidate? Yes, so long as you are not doing so on state time or acting in your official capacity.

Can I solicit campaign contributions for a candidate I support?

You may solicit campaign contributions on your own time. However, you may never solicit campaign contributions from those you supervise or those you know have a business relationship with your agency. You may not do so if you have purchasing authority for the State.

Can I participate in a political protest or other event during business hours? No, this could be a violation of the ghost employment rule.

Can I make a donation to a political candidate or cause I support? Yes, so long as you do so on your own time and without the use of state property.

Conflict of interests - Contracts

In each of the next few issues, we will be highlighting one of the ethics rules pertaining to conflicts of interests. This month we take an in-depth look at **42 IAC 1-5-7 (IC 4-2-6-10.5), Conflict of interests; contracts** which prohibits state workers from knowingly having a financial interest in a contract made by a state agency.

So what does this actually mean? Basically, you would have a problem under this rule if you receive money that comes from a state contract or grant, whether it be through:

- ownership interests in a business organization that does business with the State;
- supplemental employment for an organization that is funded by a contract (including a grant from the State); or
- any other means.

You wouldn't have a problem under this rule if:

- you do not have contracting responsibility for the contracting agency;
- you ensure compliance with the provisions of IC 4-2-6-10.5; and
- you file a disclosure form, **before the contract is executed**.

A state worker who has a conflict and fails to ensure compliance with the provisions of IC 4-2-6-10.5, including the filing of a disclosure statement, can be subject to a penalty of \$10 per day for every day that they are not in compliance. **NOTE:** A criminal conflict of interest could arise for you if you have a financial interest in a contract with your own agency under IC 35-44.1-1-4.

Conflict of interests; contracts scenarios

"I work for DCS and also own an organic dog food business. I want a contract to supply dog food to the Indiana State Police for their K-9s."

So long as you do not participate in or have contracting authority for the ISP you can pursue this endeavor. If it works out you must file the conflict of interests; contracts disclosure form prior to executing the contract.

"I work for INDOT. I would like to work construction on the weekends for an I-69 contractor to earn some extra money. Can I do this?"

Not a good idea. Even if you could do this without violating the conflict of interest; contracts rule, other laws could be implicated. In fact, this could be a criminal conflict of interests because your salary could be connected to a contract that is with your own agency.

"My local state university has applied for a grant from IOT to teach a course on coding. I work for IDHS, but I have some experience in coding and would like to apply to teach this course. Can I do so?"

It appears that the funding for this course, and thus your salary for teaching the course, would come from a grant from the State. Provided you do not have contracting authority for IOT, you could pursue this position if you file the disclosure form prior to the contract being executed. You should still consult with your ethics officer and/or our office to determine if any additional ethics rules or agency policies would apply to this opportunity.